

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FAYETTEVILLE DIVISION**

**JILL DILLARD, JESSA SEEWALD,  
JINGER VUOLO, and JOY DUGGAR**

**PLAINTIFFS**

vs.

**CASE NO. 5:17-5089-TLB**

**CITY OF SPRINGDALE, ARKANSAS;  
WASHINGTON COUNTY, ARKANSAS;  
KATHY O'KELLEY, in her individual and  
official capacities;  
ERNEST CATE, in his individual and official capacities;  
RICK HOYT, in his individual and official capacities;  
STEVE ZEGA, in his official capacity;  
And DOES 1-10, inclusive**

**DEFENDANTS**

**MOTION FOR ORDER TO SHOW CAUSE**

COME NOW Separate Defendants, Kathy O'Kelley, in her individual and official capacities; Ernest Cate, in his individual and official capacities; and City of Springdale, Arkansas (collectively referred to herein as the "Springdale Defendants"), by and through the undersigned attorneys, for their Motion for Order to Show Cause, state as follows:

1. That on or about June 3, 2021, the Springdale Defendants served a Subpoena Duces Tecum upon Chad Gallagher ("Gallagher") requesting production of documents. The subpoena indicated that the documents were to be produced by June 17, 2021. The subpoena is attached as Exhibit "A" to this Motion.

2. That Gallagher did not produce the documents as required by the subpoena.

3. That on or about June 25, 2021, a letter was mailed via U.S. Mail to Gallagher in a good faith effort to resolve the discovery dispute.

4. That to date, Gallagher has neither produced documents nor provided any response at all to the subpoena.

5. The Springdale Defendants have attempted to confer in good faith with Gallagher regarding the documents requested in the subpoena but believe that they will be unable to resolve this discovery dispute without the intervention of the Court.

6. That this case is set for trial on December 9, 2021, and the discovery cut off is October 4, 2021.

7. There is no substantial justification for the refusal to comply with the subpoena duces tecum or for opposing this Motion to Compel.

8. Having attempted to obtain the requested documentation in good faith, the Springdale Defendants request that Gallagher's time to respond to this motion and produce documentation should be three (3) days.

WHEREFORE, the Springdale Defendants respectfully request that the Court enter an Order compelling Gallagher to show cause as to why he has failed to produce documents requested in the Subpoena Duces Tecum.

Respectfully Submitted,

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**COUNSEL FOR SPRINGDALE  
DEFENDANTS**

**CERTIFICATE OF SERVICE**

I, the undersigned, do hereby certify that on the 13<sup>th</sup> day of August 2021, a true and correct copy of the above and foregoing Motion to Compel served upon the following via electronic mail:

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